

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KORY T. O'BRIEN,	)	No.: 1:21-cv-00856-NONE-SAB (PC)
	)	
Plaintiff,	)	
	)	<u>ORDER ADOPTING FINDINGS AND</u>
v.	)	<u>RECOMMENDATIONS</u>
	)	
RITA DIAZ, et al.,	)	(Doc. No. 12)
	)	
Defendants.	)	
	)	
	)	
	)	

Plaintiff Kory T. O'Brien is proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 27, 2021, the magistrate judge screened plaintiff's complaint and found that plaintiff stated a cognizable retaliation claim against defendants Rita Diaz and Jeramy Moore. (Doc. No. 9.) Plaintiff was granted leave to file an amended complaint or notify the court of his intent to proceed only on the retaliation claim. (*Id.*) On August 12, 2021, plaintiff filed a notice of intent to proceed on the retaliation claim. (Doc. No. 10.)

On August 16, 2021, the assigned magistrate judge issued findings and recommendations recommending that the action proceed on plaintiff's retaliation claim against Rita Diaz and Jeramy Moore and all other claims be dismissed from the action. (Doc. No. 12.) Those findings and


1 recommendations were served on plaintiff and contained notice that any objections thereto were to be  
2 filed within fourteen (14) days after service. (*Id.* at 2.) No objections were filed and the time to do so  
3 has now passed.

4 Accordingly,

- 5 1. The findings and recommendations issued on May 13, 2021, (Doc. No. 11), are adopted in  
6 part;
- 7 2. This action shall proceed against defendants Rita Diaz and Jeramy Moore for retaliation;
- 8 3. All other claims are dismissed for failure to state a claim; and
- 9 4. This matter is referred back to the magistrate judge for further proceedings consistent with this  
10 order.

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12 IT IS SO ORDERED.

13 Dated: September 17, 2021

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16 UNITED STATES DISTRICT JUDGE  
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